



1775

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

HUBERT MORICEAU ET AL

GROUP: 1775

SERIAL NO.: 09/913,006

EXAMINER: SAVAGE, Jason L.

FILED: August 8, 2001

FOR: MULTILAYER STRUCTURE WITH CONTROLLED INTERNAL STRESSES
AND METHOD FOR PRODUCING SUCH A STRUCTURERESPONSEAssistant Commissioner of Patents
& Trademarks
Washington, DC 20231

SIR:

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This is in response to the outstanding office communication dated March 17, 2003. Any fees necessary in connection with this matter should be deducted from Deposit Account No. 01-1944.

It is alleged in the above-identified office communication that this application contains two groups of claims identified as group I inclusive of claims 1-19 and 24, and group II inclusive of claims 20-23, deemed not to form a single generic inventive concept under PCT Rule 13.1. Based upon this allegation, applicants are required to make a provisional election under 35 USC 121 and 35 USC 372 of one of the two groups of claims.

Accordingly, applicants provisionally elect to prosecute group I inclusive of claims 1-19 and 24 which are drawn to a method.

This restriction requirement is respectfully traversed. The basis for the restriction requirement is that the two groups of inventions are not so linked as to form a single generic inventive concept under PCT Rule 13.1. As set forth in the filing receipt, this application is a 371 application based on PCT/FR00/00308 and, that if a single generic inventive concept did not exist under PCT Rule 13.1, the parent PCT application would likewise have been so objected to. In fact, although the PCT claims and the corresponding U.S. claims are the same except for the removal of multiple dependency, no lack of unity was raised during the PCT procedure of the same application. The Examiner also cites PCT Rule 13.2 to substantiate that the two groups of claims lack the same or corresponding special technical features when, in fact, nothing of the kind has been raised during the PCT procedure of this application.

Claim 1 is drawn to a method for producing a multi-layer structure comprising at least first and second layers called main layers connected to each other through a stocking of at least two stress adaptation layers and that the first main layer is provided with a first stress adaptation layer and the second main layer is provided with at least a second stress adaptation layer. Claim 20 defines a multi-layer structure as defined in claim 1, comprising a stack of at least a first main layer having a first stress adaptation layer in contact with the first main layer and a second stress adaptation layer in contact with the first stress adaptation layer and a second main layer in contact with a second stress adaptation layer. Accordingly, the method of claim 1 and the device of claim 20 are interdependent upon one another having the same elements and therefore cannot be considered to lack so-called special technical features (not identified) which the Examiner appears to attribute to the fact that claim 1 is drawn per se to a method and claim 20 drawn per se to an article. The restriction requirement is therefore believed to be arbitrary and not based on substantiating the existence of any "special technical features" represented in the claims or based upon any difficulty in the method of search relative to the claims. To the contrary, because of the interdependence of the claims, searching of both the article and the method will necessarily have to overlap.

Reconsideration and withdrawal of the restriction requirement is respectfully solicited.

Respectfully submitted,



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MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner of Patents & Trademarks, Washington, DC 20231 on April 16, 2003.



Date: 4/16/03